

REMARKS

Claims 1, 6-13, 15, 17-28, 30, 31, and 33-38 are pending in the above-captioned patent application after this amendment. Claims 1-38 have been rejected. The Applicant respectfully disagrees with the rejection of at least some of the claims. However, claims 1, 12, 23, 31, and 33 have been amended, and claims 2-5, 14, 16, 29 and 32 have been cancelled without prejudice for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office pursuant to 65 Fed. Reg. 54603 (September 8, 2000), even though the Applicant believes that at least some of the previously pending claims were allowable as originally filed. Support for the amendments can be found in the originally filed claims and specification. In particular, support for the amendments to claims 1, 12, 23, and 31 can be found in original claims 2-4, 14, 29, and 32. Further, claim 33 has been amended to depend upon claim 31 instead of claim 32.

No new matter is believed to have been added by this amendment. Reconsideration of the pending application is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-6, 9-17, 20-26, and 29-38 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Streck et al. (U.S. Patent No. 5,009,368). The Applicant respectfully submit that the rejection of claims 1, 6, 9-13, 15, 17, 20-26, 30, 31, and 33-38 is unsupported by the art and should be withdrawn.

The Applicants provide that Streck et al. is directed to a sprinkler unit that includes a turbine drive 30 that rotates an output shaft 32 that mechanical rotates a sprinkler head. (Figures 2 and 3, column 5). Further, Streck et al. provides that the turbine drive can be replaced with a battery driven electrical drive. (Column 9, lines 15-25). Streck et al. does not disclose an irrigation unit that includes (i) a turbine type generator that includes a turbine that is in fluid communication with the fluid source, wherein the flow of the fluid from the fluid source to the nozzle causes the turbine to

rotate the power generator to generate electrical energy, (ii) a power generator including a turbine type generator that generates electrical energy, (iii) a power generator including a turbine type generator that generates electrical energy, the power generator being positioned near the housing, the power generator being electrically connected to the electronic component, and (iv) a power generator including a rotating turbine that generates electrical energy.

In distinction to Streck et al., claim 1 of the present application is directed to an "irrigation unit ... comprising: a housing; a nozzle that is secured to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle; an electronic component coupled to the housing; and a power generator that generates electrical energy, the power generator directly transferring at least a portion of the electrical energy to the electronic component, the power generator including a generator and a turbine that is in fluid communication with the fluid source, wherein the flow of the fluid from the fluid source to the nozzle causes the turbine to rotate the generator to generate electrical energy."

Because Streck et al., does not disclose all of the elements of claim 1, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 6, and 9-11 depend either directly or indirectly upon claim 1, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Further, claim 12 of the present application is directed to an "irrigation unit ... comprising: a housing; a nozzle that is secured to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle; an electronic component coupled to the housing; and a power generator including a generator and turbine that rotates the generator to generate electrical energy, the power generator being positioned near the housing, the power generator being electrically connected to the electronic component."

Because Streck et al., does not disclose all of the elements of claim 12, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 13, 15, 17, and 20-22 depend either directly or indirectly upon claim 12, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Moreover, claim 23 of the present application is directed to an "irrigation unit ...

comprising: a housing; a nozzle that is secured to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle; an electronic component coupled to the housing; a power storage unit that stores electrical energy, the power storage unit being electrically connected to the electronic component; and a power generator including a generator and a turbine that rotates the generator to generate electrical energy, the power generator being positioned near the housing, the power generator being electrically connected to the electronic component.”

Because Streck et al., does not disclose all of the elements of claim 23, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 24-26 and 30 depend either directly or indirectly upon claim 23, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Additionally, claim 31 of the present application is directed to a “method ... comprising the steps of: providing a housing; securing a nozzle to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle; coupling an electronic component to the housing; and directly transferring electrical energy from a power generator to the electronic component, the power generator including a rotating turbine that rotates a generator to generate electrical energy.”

Because Streck et al., does not disclose all of the elements of claim 31, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 33-35 depend either directly or indirectly upon claim 31, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Further, claim 36 of the present application is directed to a “method ... comprising the steps of: providing a housing; securing a nozzle to the housing, the nozzle being in fluid communication with the fluid source so that fluid from the fluid source is transferred to the nozzle; coupling an electronic component to the housing; storing electrical energy with a power storage unit that is electrically connected to the electronic component; and directly transferring electrical energy from a power generator to the electronic component, the power generator including a rotating turbine that

rotates a generator to generate electrical energy.”

Because Streck et al., does not disclose all of the elements of claim 36, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 37 and 38 depend either directly or indirectly upon claim 36, the rejection of these claims under 35 U.S.C. § 102(b) is also unsupported by the art and should be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 7, 8, 18-19, 27-28 have been rejected under 35 U.S.C. § 103 as being unpatentable over Streck et al.. The Applicant respectfully submit that the rejection of claims 7, 8, 18-19, 27-28 is unsupported by the art and should be withdrawn.


More specifically, as provided above, the rejection of independent claims 1, 12 and 23 is unsupported by the art. Because claims 7, 8, 18-19, 27-28 depend directly or indirectly from claims 1, 12 and 23, the rejection of these claims is also unsupported by the art.

Conclusion

In conclusion, the Applicants respectfully assert that claims 1, 6-13, 15, 17-28, 30, 31, and 33-38 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

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Respectfully submitted,



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